

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JESSY NAPPER,

Petitioner,

v.

No. 1:16-cv-01023-JDB-jay

UNITED STATES OF AMERICA,

Respondent.

ORDER CONSTRUING DOCUMENT AS MOTION FOR EXPEDITED HEARING
AND
STRIKING MOTION

On April 5, 2021, Petitioner, Jessy Napper, filed, pro se, a document expressing concern over the changes in the evidentiary hearing date that have occurred over the past several months. (Docket Entry 54.) The Court construes the submission as a motion for an expedited hearing. The motion is hereby STRICKEN because the inmate is represented by appointed counsel, and therefore, he may not file motions on his own behalf.¹ *See Ennis v. LeFevere*, 560 F.2d 1072, 1075 (2d Cir. 1977) (the right to appointed counsel and to proceed pro se “cannot be both exercised at the same time”) (citation and quotation marks omitted); 28 U.S.C. § 1654 (providing that “parties may plead and conduct their own cases” *either* “personally or by counsel”).

IT IS SO ORDERED this 6th day of April 2021.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹ Petitioner should direct any questions he may have regarding these proceedings to his appointed counsel.